

IN SENATE OF THE UNITED STATES.

MARCH 15, 1848.

Submitted, and ordered to be printed.

Mr. MASON made the following

REPORT :

The Committee of Claims, to whom was referred the petition of the representatives of Reuben Lassiter, deceased, have had the same under consideration, and respectfully report:

That the claim of the petitioner is distinctly set forth in the following extract from his petition, to wit:

“That the said Reuben Lassiter was a citizen of the United States, and, as your memorialist believes, was a native of one of the southern States; that at the breaking out of the Indian troubles, in the latter part of the year 1835, he was a resident of St. John’s county, in the then territory of Florida, and occupied a place on Trout creek, about twenty miles southwest of the city of St. Augustine, the produce of which was his only support; that he was assisted by a negro servant which belonged to him, and by whose labor, united with his own, he was enabled to obtain from the products of the soil a creditable support; that the said Reuben Lassiter had resided on that place, undisturbed, for three or four years, and was in no way interfered with, until the night of the second day of March, 1836, when his house was set upon by a company of South Carolina volunteers in the service of the United States, and his negro man, his only dependence and his only property, except the place he lived upon, was killed under the belief that said negro man was an Indian; that from that day to the day of his death he lived in a state of great destitution, being compelled, from advanced age and the disturbed state of the country, to abandon his settlement.”

The committee are of opinion, although the facts be proved that he is not entitled to the relief prayed, the principle is that the citizen shall be indemnified for loss of property taken for public use, which embraces many cases of loss resulting incidentally from temporary or other occupation of the property of the citizen by officers of the government, acting as such, in a state of war. But, as in this case, when the loss results from an unauthorized act of a public officer, or from his mistake or impropriety, the only redress is against the offender by personal action.

The committee recommend, therefore, that the prayer of the petitioner be not granted.

IN SENATE OF THE UNITED STATES

MARCH 16, 1848.

Submitted, and ordered to be printed.

Mr. Mason made the following

REPORT

The Committee of Claims, to whom was referred the petition of the representatives of Henden Lassiter, deceased, have had the same under consideration, and respectfully report:

That the claim of the petitioner is distinctly set forth in the following extract from his petition, to wit:

"That the said Henden Lassiter was a citizen of the United States, and as your memorialist believes, was a native of one of the Southern States; that at the breaking out of the Indian troubles in the latter part of the year 1835, he was a resident of St. John's county, in the then territory of Florida, and occupied a place on Trout creek, about twenty miles southwest of the city of St. Augustine, the produce of which was his only support; that he was assisted by a negro servant which belonged to him, and by whose labor, united with his own, he was enabled to obtain from the produce of the soil a creditable support; that the said Henden Lassiter had resided on that place, undisturbed, for three or four years, and was in no way interested with until the night of the second day of March, 1836, when his house was set upon by a company of South Carolina volunteers in the service of the United States, and his negro man, his only dependance and his only property, except the place he lived upon, was killed under the belief that said negro man was an Indian; that from that day to the day of his death he lived in a state of great destitution, being compelled, from advanced age and the distressed state of the country, to abandon his settlement."

The committee are of opinion, although the facts be proved that he is not entitled to the relief prayed, the principle is that the citizen shall be indemnified for loss of property taken for public use, which embraces many cases of loss resulting incidentally from temporary or other occupation of the property of the citizen by officers of the government, acting as such, in a state of war. But as in this case, when the loss results from an unauthorized act of a public officer, or from his mistake or impotency, the only redress is against the offender by personal action.

The committee recommend, therefore, that the prayer of the petitioner be not granted.